

ANNUAL COUNCIL

14 May 2018

SCHEME OF DELEGATION

Report of the Director for Resources

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader	
Contact Officer(s):	Debbie Mogg, Director for Resources	01572 758358 dmogg@rutland.gov.uk
	Natasha Taylor, Governance Manager	01572 720991 ntaylor@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Council:

1. Confirms the Scheme of Delegation as set out in Part 3 of the Constitution;
2. Approves the amendments to Part 8 of the Constitution (Appendix A) as set out in Section 3.2 and 3.3 of the report;
3. Approves the removal of the referral process for Committee or Sub-Committee exercising a regulatory function set out in Procedure Rule 110;
4. Authorises the Monitoring Officer to incorporate the revisions and changes above into the Council's Constitution.

1 PURPOSE OF THE REPORT

- 1.1 To approve the scheme of delegation in Part 3 of the RCC Constitution and amendments to Part 8 following staffing/structural and legislative changes.
- 1.2 To approve other amendments to the Constitution in relation to referral of planning decisions.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Constitution (Part 4 Section 1, Procedure Rule 22) provides that the Council agrees the scheme of delegation at Annual Council.
- 2.2 Changes to the Structure in both the Places and Resources Directorates have resulted in changes to staffing and job titles which need to be reflected in the

Scheme of Delegation and list of “Proper Officers”.

3 SCHEME OF DELEGATION

3.1 Part 3 – Responsibility for Functions

3.1.1 Part 3 of the RCC Constitution sets out the responsibilities of the Council, those functions that the Council has reserved to itself, those elements that have been delegated to the Cabinet and the general delegations to officers. It can be found at the link below:

<http://rutlandcounty.moderngov.co.uk/documents/s9309/Part%203%20-%20Responsibility%20for%20Functions.pdf>

3.1.2 No changes have been made to this part of the Constitution.

3.2 Part 8 – Delegation to other Officers

3.2.1 Part 8, Section 11 of the Constitution sets out the executive and non-executive functions which have been permanently delegated by the Council or Cabinet to officers.

3.2.2 Changes have been made to reflect the appointment of the new Strategic Director and in all cases the titles Director for Places (Development and Economy) and Director for Places (Environment, Planning & Transport) have been replaced with the title Strategic Director for Places.

3.2.3 The Constitution Review Working Group are currently working on a review of the Council’s Officer Scheme of Delegation in order to move towards a more generic model which will provide a more efficient and effective framework for the authority’s decision-making.

3.3 Part 8 – Proper Officer Appointments

3.3.1 Part 8, Section 5 of the Constitution sets out the designation of Proper Officer Appointments.

3.3.2 The list of “Proper Officers” within Appendix A have been reviewed and changes have been made to reflect the appointment of the new Strategic Director and in all cases the titles Director for Places (Development and Economy) and Director for Places (Environment, Planning & Transport) have been replaced with the title Strategic Director for Places.

3.3.3 In addition amendments have been made to incorporate changes in legislation, staffing and job titles.

4 PROPOSED CHANGES – OTHER AREAS

4.1 It is proposed that Procedure Rule 110 be amended to remove the referral process for Committee or Sub-Committee exercising a regulatory function, thus removing the ability for members to refer planning decisions made at Planning and Licensing Committee to Council.

5 CONSULTATION

- 5.1 The Constitution Review Working Group (CRWG) considered the proposed changes to referral process at their meeting held on 24 April 2018. The CRWG concluded that there was a statutory right of appeal to the Planning Inspectorate should an applicant object to a decision made by the Local Planning Authority. There should not be several ways of challenging a decision of the Planning and Licensing Authority.

6 ALTERNATIVE OPTIONS

- 6.1 There is no alternative option in relation to the changes to the Scheme of Delegation as they are necessary to reflect recent changes to the organisation and staffing structures.
- 6.2 The alternative to the proposed removal of the planning referral process would be to make amendments to the process in order to implement tighter controls. It is not considered appropriate to retain the status quo, as following a recent referral of a planning decision to Council, Members requested a review of the Councils approach.

7 FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Part 4 Section 1, Procedure Rule 22 of the RCC Constitution provides that the Council agrees the scheme of delegation at the Annual Council meeting.
- 8.2 There is no legal requirement to have a referral process for planning decisions. It is for the Council to determine the Planning Procedure Rules. It is unusual for Councils to adopt such a procedure as call-in is usually reserved only for Scrutiny to examine key decisions.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An Equality Impact Assessment Screening Form (EqIA) has been completed. No adverse or other significant issues were found.

10 COMMUNITY SAFETY IMPLICATIONS

- 10.1 There are no community safety implications.

11 HEALTH AND WELLBEING IMPLICATIONS

- 11.1 There are no health and wellbeing implications.

12 BACKGROUND PAPERS

- 12.1 There are no additional background papers to the report.

13 APPENDICES

- 13.1 Appendix A – Revised Part 8 RCC Constitution (Revised Scheme of Delegation to Officers and Proper Officer Appointments)

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.